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EYES ONLY

TOP SECRET SENSITIVE

#0352

DOS Review Completed.

T O P S E C R E T 250015Z OCT 72 SENSITIVE EXCLUSIVELY EYES ONLY 1972 OCT 24 PM 9 29

VIA BUNKER CHNLS SECTION ONE OF FOUR

FROM: WHITE HOUSE
TO: AMEMBASSY SAIGON
CITE: WHS2296

OCTOBER 24, 1972

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

TO: AMBASSADOR BUNKER
FROM: HENRY A. KISSINGER
REF: SAIGON 0233

1. ATTACHED IS THE VIETNAMESE TEXT OF THE DRAFT AGREEMENT WHICH YOU CAN GIVE TO THE GVN, BUT WITH THE FOLLOWING COMMENTS:

-- THIS IS THE DRV VIETNAMESE TEXT AS THE DRAFT AGREEMENT WAS LEFT BETWEEN THE TWO SIDES ON OCTOBER 17. ACCORDINGLY, ARTICLES 7 AND 8 ARE MISSING. AS WE INFORMED THIEU, THE DRV HAS SINCE BOUGHT OUR POSITION ON THESE ARTICLES. (THE ENGLISH TEST OF THE AGREED ARTICLES THEREFORE NOW READS AS FOLLOWS:

ARTICLE 7. - FROM THE ENFORCEMENT OF THE CEASEFIRE TO THE FORMATION OF THE GOVERNMENT PROVIDED FOR IN ARTICLES 9B AND 9I OF THIS AGREEMENT, THE TWO SOUTH VIETNAMESE PARTIES SHALL NOT ACCEPT THE INTRODUCTION OF TROOPS, MILITARY ADVISERS, AND MILITARY PERSONNEL INCLUDING TECHNICAL MILITARY PERSONNEL, ARMAMENTS, MUNITIONS, AND WAR MATERIAL INTO SOUTH VIETNAM.

THE TWO SOUTH VIETNAMESE PARTIES SHALL BE PERMITTED TO MAKE PERIODICAL REPLACEMENTS OF ARMAMENTS, MUNITIONS AND WAR MATERIAL WHICH HAVE BEEN WORN OUT OR DAMAGED AFTER THE CEASEFIRE, ON THE BASIS OF PIECE-FOR-PIECE, OF THE SAME CHARACTERISTICS AND PROPERTIES, UNDER THE SUPERVISION OF THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES AND OF THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION.

ARTICLE 8. - A) THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS OF THE PARTIES SHALL BE CARRIED OUT SIMULTANEOUSLY WITH AND COMPLETED ON THE SAME DAY AS THE TROOP WITHDRAWAL MENTIONED IN ARTICLE 5. THE PARTIES SHALL EXCHANGE COMPLETE LISTS OF THE ABOVE-MENTIONED CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS ON THE DAY OF THE SIGNING OF THIS AGREEMENT.

B) THE PARTIES SHALL HELP EACH OTHER TO GET INFORMATION ABOUT THOSE CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS OF THE PARTIES MISSING IN ACTION, TO DETERMINE THE LOCATION AND TAKE CARE OF THE GRAVES OF THE DEAD SO AS TO FACILITATE THE EXHUMATION AND REPATRIATION OF THE REMAINS, AND TO TAKE ANY SUCH OTHER MEASURES AS MAY BE REQUIRED TO GET INFORMATION ABOUT THOSE STILL CONSIDERED MISSING IN ACTION.

C) THE QUESTION OF OTHER VIETNAMESE CIVILIAN PERSONNEL DETAINED IN SOUTH VIETNAM AND NOT COVERED BY 8 (A) ABOVE WILL BE RESOLVED BY THE SOUTH VIETNAMESE PARTIES ON THE BASIS OF THE PRINCIPLES OF ARTICLE 21(B) OF THE AGREEMENT ON THE CESSATION OF HOSTILITIES IN VIETNAME OF JULY 20, 1954. THE SOUTH VIETNAMESE PARTIES WILL DO SO IN A SPIRIT OF NATIONAL RECONCILIATION AND CONCORD, WITH A VIEW TO ENDING HATRED AND ENMITY, IN ORDER TO EASE SUFFERING AND TO REUNITE FAMILIES.

THE TWO SOUTH VIETNAMESE PARTIES WILL DO THEIR UTMOST TO RESOLVE THIS QUESTION WITHIN THREE MONTHS AFTER THE CEASEFIRE COMES INTO EFFECT.

-- IN THEIR VERSION THEY LIST THE DRV AND PRG FIRST, WHILE OUR ENGLISH TEXT OF COURSE LISTS THE US AND GVN FIRST.

-- THERE ARE A FEW WORDING DISCREPANCIES, PARTICULARLY IN THE INTERNATIONAL CONTROL SECTION, BUT THESE ARE NONSUBSTANTIVE AND REFLECT INSUFFICIENT TIME TO CHECK FULLY THE TWO SIDES' TEXTS BEFORE LEAVING PARIS.

-- WE RECOGNIZE THAT THE VIETNAMESE TRANSLATION OF "ADMINISTRATIVE STRUCTURE" IN ARTICLE 9(F) IS UNFORTUNATE, AND THIS IS ONE OF THE CHANGES WE WILL TRY TO HAVE MADE BY THE OTHER SIDE.